IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1768 OF 2003

IN

SUMMARY SUIT NO.2459 OF 2002

M/s.Gemstar Company ..Plaintiff.

V/s.

M/s. Allure & Ors. ..Defendants.

Mr.N. Engineer i/b. Desai & Diwanji for plaintiff.

Mr.Subhash Jadhav i/b. Khaitan & Jaykar for defendant.

CORAM : J.P.DEVADHAR, J.

DATED : 8TH DECEMBER, 2004.

P.C. :-

. This chamber summons is taken out by the plaintiff seeking an order to amend the plaint with a view to restrict the interest claimed in the suit. In the light of the Full Bench Judgment of this Court in the case of **SICOM LTD. V/s. Prashant S. Tanna** reported in **2004(2) Mh.L.J. 292**, it is not necessary to seek amendment of the plaint by taking out a chamber summons and it is open to the plaintiff to seek such relief at the hearing of the Summons for

Judgment itself. In this view of the matter, the relief claimed in the chamber summons has become acadamic. Accordingly, the chamber summons is dismissed. However, it is made clear that it will be open to the plaintiff to seek appropriate relief as claimed in this chamber summons at the hearing of Summons for Judgment.

. Chamber summons is disposed of accordingly with no order as to costs.

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